



REMARKS

The objections to the specification are attended to above by amendments.

The objections to the drawing are also attended to above by Replacement Sheets.

The rejections of claims under 35 USC 112, second paragraph, are attended to in the retained claims by amendments that are non-narrowing and, therefore, should not raise any Festo-like limitations even though in response to a statutory requirement.

A discussion of the art reveals distinction from the claims.



DISCUSSION OF PRIOR ART

Claims 1, 2 and 5 were rejected under 35 USC 102(b) as being anticipated by Watts.

Watts discloses a drill auger including a longitudinal shaft to which there is fixed at the lower end thereof a spiral auger member. Above the spiral member is a sleeve, also having a spiral auger. The sleeve is longitudinally movable of the shaft however a pin passes through the sleeve and shaft so that the sleeve and shaft rotate in unison.

Watts fails to disclose a drive assembly that is operable to cause longitudinal movement of the sleeve relative to the shaft. The two independent claims of the present application, that is claims 1 and 10, both define the pier as having a drive assembly. Accordingly, Watts fails as an anticipation.

Claims 1, 2, 3 and 5 were rejected under 35 USC 102(b) as being anticipated by McFeetors.

McFeetors describes and shows an auger member having a shaft, with the lower end of the shaft being provided with a spiral auger member. Surrounding the shaft is a sleeve from which there projects a plate 18. As is best seen in Figure 3 and as described at column 3, lines 30 to 37, the shaft 10 is of circular cross-section as is the hole 19 in the plate 18. The sleeve is rotatable about the shaft 10. That is, the sleeve 16 and shaft 10 are not configured so as to rotate in unison. This is clearly different to the present invention as claimed as claims 1 and 10 as both independent claims require the shaft and sleeve to be configured so as to rotate in unison. Accordingly McFeetors fails as an anticipation.

Claims 1, 2 and 5 were rejected under 35 USC 102(b) as being anticipated by Rust. Rust like McFeetors has a circular shaft with the sleeve also being circular. Accordingly the sleeve and shaft are not configured so as to rotate in unison. Accordingly Rust also fails as an anticipation.

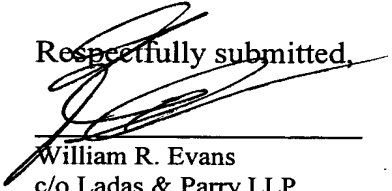
Claims 1 to 5 were rejected under 35 USC 103(a) as being unpatentable over Wallace in view of Classen.

Both Wallace and Classen are remote from the present invention. First of all Classen does not have an auger member although it does have a spike with a sleeve surrounding the spike, with the spike being adaptably driven into the ground. Wallace has an auger member with a bar inserted in the shaft of the auger member via which a user rotates the shaft and therefore inserts the auger member. A post 12 is then inserted over the shaft to provide a fence post. Neither of these references describes the use of a drive assembly as defined in claims 1 and 10. In Classen the spike is merely driven into the ground by vertical impact. In Wallace the auger is merely driven into the ground by a bar being inserted in the shaft of the auger member. Since both references are deficient for the same reason, a combination of the two references therefore fails as an anticipation.

The present invention is distinguished from each of the above references or a combination thereof by having the sleeve and the shaft being configured so as to rotate in unison, while also having a drive assembly that is operatively associated with the shaft and sleeve to cause longitudinal movement of the sleeve to thereby compact soil around the shaft. By such a combination rotation of the compaction member will also correspond with rotation of the auger member, while the drive assembly can be used to move the compaction member independently of the auger member.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



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IN THE DRAWING

REPLACEMENT SHEETS of Figs. 1 and 2 are attached to add reference character 27 to Fig. 1 and replace a reference character 23 in Fig. 2 with 41 in correspondence with amendment of page 3 of the specification above and Annotated Sheets attached.

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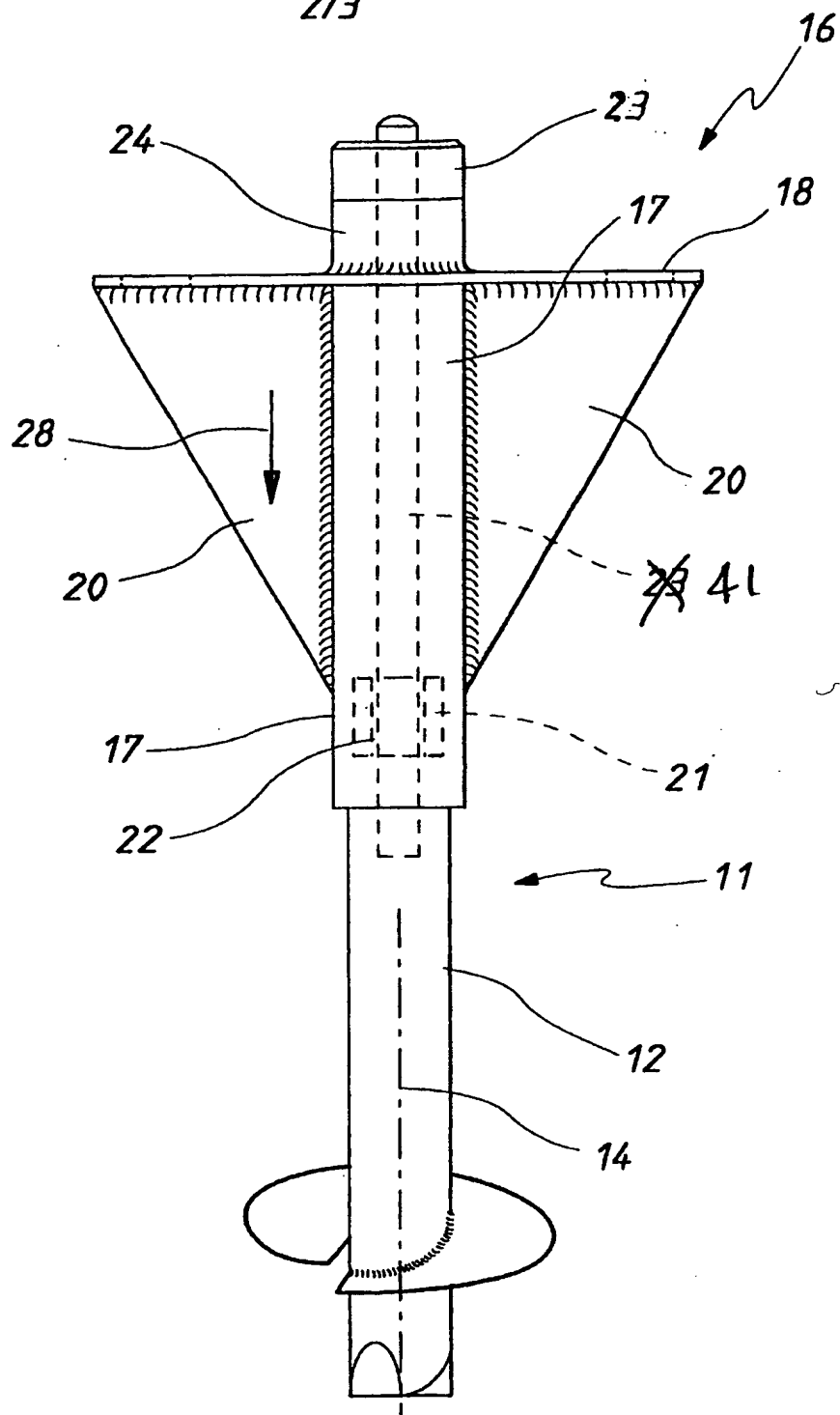


FIG. 2